

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, August 26, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Bob Anderson, Commissioner
Matt Brainard, Commissioner, via telephone
Bob Rowe, Commissioner

APPEARANCE

Monica Tranel, Mike Lee, Kate Whitney, Scott Fabel

(360) In the matter of the Commission's discussion of Qwest Communications' Application for Section 271 Approval, Docket No. D2000.5.70; Commissioner Rowe moved to file short comments in response to the Public Notice. Commissioner Anderson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 27, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Bob Anderson, Commissioner
Matt Brainard, Commissioner
Bob Rowe, Commissioner

APPEARANCE

Steve Vick
Utility Division

(361) In the matter of NorthWestern Energy, Docket No. D2002.6.63; The Montana Consumer Counsel has petitioned for late intervention in this docket. The Commission is in the very early stages of process on this docket. Commissioner Rowe moved to approve the late intervention of the Montana Consumer Counsel. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(362) In the matter of T-02.78.RRV; On July 18, 2002 Cenex Harvest States Cooperative, Laurel, Montana filed a request for overhead and side clearance variance waiver. The request was noticed to the public on July 24, 2002 and no protests to the request have been received. Montana Rail Link supports this request. Commissioner Stovall moved to grant the variance waiver request. Commissioner Rowe seconded the motion, which passed unanimously.

(363) In the matter of T-02.35.AR; Operating authority held by Christie Transfer & Storage, Inc., Butte, Montana, PSC No. 476 was cancelled August 13, 2002 for failure to file a 2001 Annual Report. The report has now been filed and the motor carrier petitions the Commission for reconsideration of the cancellation and reinstatement of the operating authority.

Class B - Household goods (as defined by Commission) between all points in the State of Montana over any public highways.

SUB A Class C - Property in the City of Butte, Montana and to or from points immediately tributary thereto, subject to the limitation below. Limitations: The transportation of property between points served by rail carriers, or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Commissioner Brainard moved to reconsider the cancellation. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Brainard moved to reinstate the operating authority. Commissioner Rowe seconded the motion, which passed unanimously.

(364) In the matter of T-02.76.AR; Operating authority held by Riedlinger Investments, Inc. dba Yellowstone Taxi Service, West Yellowstone, Montana, PSC No. 9421 was cancelled on August 13, 2002

for failure to file a 2001 Annual Report. The Annual Report has now been filed and the motor carrier petitions the Commission for reconsideration of the cancellation and reinstatement of the operating authority.

Class B - passengers (1) between all points and places within West Yellowstone, Montana, and a forty (40) mile radius and (2) all points and places between West Yellowstone, Montana, and Ennis, Montana.

Commissioner Brainard moved to reconsider the cancellation. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Brainard moved to reinstate the operating authority. Commissioner Rowe seconded the motion, which passed unanimously.

(365) In the matter of TN2153; Shirley Hamilton dba Roundup Taxi and Delivery Service, Roundup, Montana requests cancellation of PSC No. 9415 effective immediately.

SUB A Class B – Passengers between all points and places in Roundup, Montana and a seventy-five (75) mile radius there. LIMITATIONS: All transportation movements must originate or terminate

Commissioner Feland moved to cancel the authority. Commissioner Stovall seconded the motion, which passed unanimously.

(366) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of August 19, 2002. Commissioner Rowe seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

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Jay Stovall, Vice Chairman
Bob Anderson, Commissioner
Matt Brainard, Commissioner
Bob Rowe, Commissioner

APPEARANCE

Martin Jacobson, Joel Tierney

(367) In the matter of the Commission's discussion of the sale of Five Valleys Gas to Energy Partners, LLC, Docket No. D2001.5.59; Commissioner Brainard moved to approve the sale of Five Valleys Gas. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Lisa Swanson, Robin McHugh, Joel Tierney

(368) In the matter of the Commission's discussion of Havre Pipeline Company's request for a rate decrease, Docket No. D2002.8.99; Commissioner Rowe moved to reconsider, and rescind the final approval, approving rates on an interim basis. Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Kendal Ferguson

(369) In the matter of the Commission's discussion of Mid-Rivers Telephone Cooperative's request for designation as an Eligible Telecommunications Carrier in the Glendive, Miles City and Sidney exchanges, Dockets No. D2002.6.71, D2002.6.72 and D2002.6.73; Commissioner Stovall moved to accept staff's recommendation, designating Mid-Rivers as ETC in the Glendive, Miles City and Sidney exchanges. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Kate Whitney

(370) In the matter of the Commission's discussion of the PSC Complaint against Business Savings Plan, Docket No. D2001.7.101; Commissioner Brainard moved to deny the motion for reconsideration. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Marla Larson

(371) In the matter of the Commission's discussion of Mid-Rivers Telephone Cooperative and Western Wireless Application for Approval of Negotiated Interconnection Agreement, Docket No. D2002.1.3; Commissioner Stovall moved to approve the interconnection agreement. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE
Wayne Budt, Steve Vick

(372) In the matter of the Commission's discussion of staff out-of-state travel; Commissioner Rowe moved to approve staff out-of-state travel for Mike Lee to ROC in Denver, Sept. 22-24, 2002 and Kendal Ferguson to Technical Training in San Ramon, Sept. 17-18, 2002. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Lisa Swanson, Wayne Budt

(373) In the matter of the Commission's discussion of John Kelly dba Airport Shuttler Application for Authority, Docket No. T-01.39.PCN; Commissioner Rowe moved to issue the Final Order. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Monica Tranel, Kate Whitney, Susan Good, Robin McHugh

(374) In the matter of the Commission's discussion of the PSC Complaint against Qwest Communications re winback tariff, Docket No. D2000.2.21, Cause No. BDV 2002-397; Commissioner Brainard moved to close the meeting pursuant to the litigation exception. Commissioner Stovall seconded the motion, which passed with a vote of 4-0-1. Commissioners Anderson, Brainard, Feland and Stovall voted aye. Commissioner Rowe abstained.

Commissioner Brainard moved to reject Qwest's settlement offer and move forward in court. Commissioner Feland seconded the motion. A substitution motion was offered by Commissioner Brainard to reject the settlement offer. Commissioner Anderson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)